

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

THOMAS J. GALLAGHER and  
KATHLEEN ANN GALLAGHER,

Plaintiffs,

v.

DEPUY ORTHOPAEDICS, INC., a  
foreign corporation; WILLIAM FRANCIS  
GILES, an individual; and DOES 1-25,

Defendants.

Case No. C 05 4313 JCS

**STIPULATION AND ORDER OF  
DISMISSAL**

Plaintiffs, Thomas J. Gallagher and Kathleen Ann Gallagher, and Defendants  
Depuy Orthopaedics, Inc. and William Francis Giles, hereby stipulate and agree, through  
their respective attorneys of record that the claims of Thomas J. Gallagher and Kathleen  
Ann Gallagher be voluntarily dismissed with prejudice pursuant to Fed.R.Civ.Pro.  
41(a)(1). The parties shall each bear their own costs and attorneys' fees.

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**STIPULATED TO and CONSENTED TO BY:**

Dated: September \_\_, 2006

MOORE & BROWNING

/s/

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Attorneys for Plaintiffs,  
THOMAS J. GALLAGHER and  
KATHLEEN ANN GALLAGHER

Dated: September \_\_, 2006

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/s/

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Attorneys for Defendants  
DePUY ORTHOPAEDICS, INC. and  
WILLIAM FRANCIS GILES

Considering the above and foregoing, IT IS ORDERED, ADJUDGED AND  
DECREED that the above numbered and captioned action be and the same is hereby  
dismissed with prejudice, each party to bear its own costs and attorneys' fees.

**SO ORDERED**, this 25th day of September, 2006.

  
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Judge Jeffrey S. White